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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,746	08/14/2003	Ying-Hao Hsu	ACMP0131USA	1745
27765 7590 04/27/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER HUNG, STEPHEN C	
			ART UNIT	PAPER NUMBER
			2615	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/27/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/27/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/604,746

Applicant(s)

HSU ET AL.

Examiner

Stephen C. Hung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/29/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.



Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/12/2007; 3/4/2007; 10/11/2006; 3/15/2006.



### **DETAILED ACTION**

This office action is in response to communication filed on 3/29/2007. Claims 1-11 are pending and have been examined. Claims 12-22 are cancelled.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "112" in Figure 3 has been used to designate both "video system" and "input buttons." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: Reference number "112" has been used to refer to both the video system and the input buttons. Please use separate reference numbers to identify different parts of the invention.

Appropriate correction is required.



***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 4** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites " $F = T/N$ , where F represents a moving frequency at which text is displayed on the display device, T represents the duration of the first audio file and, N represents a quantity of text stored." However, frequency is a measure of occurrences over time, with the unit of time in the denominator of the equation, not in the numerator.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2, 9, and 11** are rejected under 35 U.S.C. 102(e) as being anticipated by **Lai et al. (US 2004/0102860 A1)**.



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Consider **claim 1**, Lai teaches an audio player (Figure 3 and Figure 4) comprising:

a memory (Figure 3, storage element 31) for storing a first audio file and a first text file, the first text file containing texts of the corresponding first audio file ("store at least one song file and at least one image file," [0017]);

a user interface (play menu," [0018]) for selecting the first audio file;

a controller (Figure 3, input element 38) for loading the first audio file and the first text file;

a decoder (Figure 3, decoder 34) for converting the first audio file into audio signals;

an audio output port (Figure 3, audio output element 36) for outputting the audio signals;

a video output port for displaying texts stored in the first text file on a display device electrically coupled to the video output port (Figure 3, display element 35); and

a text calculating circuit (Figure 3, CPU 30) for calculating a rate at which text is displayed on the display device according to a predetermined relationship between a duration of the first audio file and a size of the first text file.



Consider **claim 2**, Lai teaches the audio player of claim 1 further comprising a first linking file stored in the memory, the first linking file utilized for linking the first text file to the corresponding first audio file ("image file and a song file matched with the index of the song," [0019]).

Consider **claim 9**, Lai teaches the audio player of claim 1 further comprising an interface port (Figure 3, connector 37) for transferring files from a host device to the memory of the audio player.

Consider **claim 11**, Lai teaches the audio player of claim 1 wherein the decoder is an MP3 decoder ("compression format of a MPEG layer 3 (MP3)," [0004]).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lai et al. (US 2004/0102860 A1)** in view of **Michelson et al. (US 2002/0072047 A1)**.



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Consider **claim 3**, Lai teaches the audio player of claim 1 further comprising a first image file (image file, [0017]) stored in the memory (Figure 3, storage element 31).

However, the image file of Lai only serves to display the lyrics of the song. It does not provide the function of serving as a background image.

In the same field of endeavor, Michelson et al. teaches a karaoke system where a background image file (Figure 1, image 20) is integrated with a text file (Figure 1, image 22) to form a composite image (Figure 1, composite image 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the image file of Lai with the composite image of Michelson "for viewing" pleasure (Michelson, [0004]).

9. **Claims 4, 5, 6, 7, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lai et al. (US 2004/0102860 A1)** in view of **Holtz et al. (US 2002/0186233 A1)**.

Consider **claim 4**, Lai teaches the audio player of claim 1 wherein the audio player displays lyrics onto the screen. However, Lai does not specify how the audio player calculates the frequency at which the text is displayed on the screen. Lai does not teach the predetermined relationship for calculating the rate at which text is displayed



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on the display device satisfies the equation  $F=N/T$ , where F represents a moving frequency at which text is displayed on the display device, T represents the duration of the first audio file and, N represents a quantity of text stored in the first text file.

In the same field of endeavor, Holtz teaches of method of calculating the rate at which text is displayed onto a screen ("scroll rate is measured in terms of words per unit of time," [0135]).

Therefore, since Lai does not specify how the frequency is calculated, it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate the frequency of Lai using the method of Holtz, so that the text may be "displayed to the talent who is to read the scrolling text from a display" (Holtz, [0273]).

Consider **claim 4**, Lai teaches the audio player of claim 1 wherein the audio player displays lyrics onto the screen. However, Lai does not specify how the audio player calculates the frequency at which the text is displayed on the screen. Lai does not teach the predetermined relationship for calculating the rate at which text is displayed on the display device satisfies the equation  $F=T/N$ , where F represents a moving frequency at which text is displayed on the display device, T represents the duration of the first audio file and, N represents a quantity of text stored in the first text file.



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In the same field of endeavor, Holtz teaches of method of calculating the rate at which text is displayed onto a screen ("scroll rate is measured in terms of words per unit of time," [0135]).

Therefore, since Lai does not specify how the frequency is calculated, it would have been obvious to one of ordinary skill in the art at the time of the invention to calculate the frequency of Lai using the reciprocal of the method of Holtz, so that the text may be "displayed to the talent who is to read the scrolling text from a display" (Holtz, [0273]).

Consider **claim 5**, the modified apparatus of Lai teaches the audio player (Lai, Figures 3 and 4) of claim 4 wherein the user interface (Lai, "play menu," [0018]) is utilized for selecting a calculation mode (Holtz, Figure 5A, fields 540, 542, 543 calculate a time duration length, which is a quantity used in determining the scroll rate) of the audio player.

Consider **claim 6**, the modified apparatus of Lai teaches the audio player (Lai, Figures 3 and 4) of claim 5 wherein the quantity of text  $N$  is selected from a group consisting of  $N_C$ ,  $N_W$ ,  $N_S$ , and  $N_P$  according to the selected calculation mode, wherein  $N_C$  represents a number of characters in the first text file,  $N_W$  (Holtz, "words," [0135]) represents a number of words in the first text file,  $N_S$  represents a number of sentences in the first text file, and  $N_P$  represents a number of paragraphs in the first text file.



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Consider **claim 7**, Lai teaches the audio player (Figures 3 and 4) of claim 1 wherein the user interface (Lai, "play menu," [0018]) comprises input buttons (Figure 4, input element 38).

However, Lai does not specifically teach that the input buttons are for scrolling through the text displayed on the display device.

In the same field of endeavor, Holtz teaches input buttons for scrolling through the text displayed on the display device ("activating next file button 604 causes teleprompting system 108 to cue the next sequential script in the playlist," [0137]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the buttons of Lai to scroll through text, in a similar manner taught by Holtz, in order to make it easier for the user "to read the scrolling text from a display" (Holtz, [0273]).

Consider **claim 8** Lai teaches the audio player (Figures 3 and 4) of claim 1 wherein the user interface (Lai, "play menu," [0018]) comprises input buttons (Figure 4, input element 38).

However, Lai does not specifically teach that the input buttons are for changing the rate at which text is displayed on the display device.



In the same field of endeavor, Holtz teaches input buttons for changing the rate at which text is displayed on the display device ("speed-up button 616 or slow-down button 618," [0135]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the buttons of Lai to change the rate at which text is displayed, in a similar manner taught by Holtz, in order to allow the user "to increase or decrease the scroll rate" (Holtz, [0282]).

10. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lai et al. (US 2004/0102860 A1)** in view of **Griffin et al. (US 2004/0080487 A1)**.

Consider **claim 10**, Lai teaches the audio player (Figures 3 and 4) of claim 1.

However, Lai does not teach the audio player further comprising a character set file stored in the memory, the character set file containing a list of all characters included in all text files stored in the memory of the audio player.

In the same field of endeavor, Griffin teaches the character set file containing a list of all characters included in all text files stored in the memory ("symbol set," [0007]).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the character set of Griffin into the audio player of Lai, so that when the lyrics are displayed, "in addition to Roman alphabetic and Arabic numeral symbol sets, selectable symbol sets for the characters and numeric symbols of other languages such as Chinese and Japanese could be used" (Griffin, [0047]).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ng (US 6,328,570 B1)** teaches a portable karaoke unit.

**Chan et al. (US 2007/0016314 A1)** teaches a personal audio player.

**Huang et al. (US 6,525,251 B1)** teaches a method of displaying the title and words of songs on a digital music player.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen C. Hung whose telephone number is (571)270-1457. The examiner can normally be reached on M-Th 7:30am-5pm, Every other Friday 7:30am-4:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



S.H.

4/18/2007



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**